

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RACHELLE WOODS,
Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security
Defendant

No. C 04-5018 MMC
ORDER TO SHOW CAUSE

In this action, plaintiff seeks judicial review of a decision of the Social Security Administration. By order filed November 29, 2004, plaintiff was directed to file a motion for summary judgment or for remand within 30 days of the service of defendant's answer. (See Procedural Order for Social Security Review Actions.) On March 24, 2005, defendant filed and served an answer to plaintiff's complaint. To date, plaintiff has not filed a motion for summary judgment or for remand.

Accordingly, the Court hereby orders plaintiff to show cause, in writing, no later than June 17, 2005, why the instant action should not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. To show good cause,

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1 plaintiff must file her motion for summary judgment or remand,¹ along with a declaration
2 explaining why such motion was not filed within the time required by the Court's prior orders.

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4 If plaintiff fails to show good cause in the manner set forth above, the Court will
5 dismiss the action for failure to prosecute.

6 **IT IS SO ORDERED.**

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8 Dated: May 17, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

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¹In a motion for summary judgment or for remand, plaintiff must point out the error or errors she believes were made with respect to the decision she is challenging, and state why she believes any such errors were made. Alternatively or additionally, to the extent plaintiff may argue that documents not included in the administrative record should now be considered, plaintiff must show that a good reason exists to explain why any new documents were not presented to the administrative law judge ("ALJ") and why consideration of new documents is likely to change the decision announced by the ALJ.